

MINUTES

UTAH PHYSICIANS LICENSING BOARD AND OSTEOPATHIC PHYSICIANS LICENSING BOARD OPT-OUT HEARING RECOMMENDATIONS

September 24, 2008

**Room 403 – 4th Floor – 8:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:00 A.M.

ADJOURNED: 12:45 P.M.

HEARING:

Judge Steve Eklund conducted the hearing. A list of all in attendance is available from Judge Eklund's office. For a transcript of the hearing, individuals may contact Judge Eklund's office directly.

BOARD RECOMMENDATIONS:

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Physicians Board Members Present:

John w. Bennion, Ph.D.
Kristen Ries, MD
Richard J. Sperry, MD
Elizabeth F. Howell, MD
Lori G. Buhler, Public Member
James H. Pingree, MD
George C. Pingree, MD
James R. Fowler, MD
Daniel J. Parker, MD

Physicians Board Members Absent:

Marc E. Babitz, MD, Chairperson
Stephen E. Lamb, MD

Osteopathic Physicians Board Members Present:

Keith P. Ramsey, DO
J. Howard Loomis, DO
William David Voss, DO, Chairperson
Warren Peterson, DO

Osteopathic Physicians Board Members Absent:

Jane Brown, Public Member

BOARD VOTES:

Osteopathic Physicians Board

RECOMMENDATIONS AND COMMENTS:

The following are the individual votes by Board members.

Keith P. Ramsey, DO, Against the opt-out option.
Warren A. Peterson, DO, Against the opt-out option.
J. Howard Loomis, DO, Against the opt-out option.
William David Voss, DO, Against the opt-out option.

The Board vote was unanimous against the opt-out.

Physicians Board

The following are the individual votes by Board members.

John W. Bennion, Ph.D., Against the opt-out option.
Kristen Ries, MD, Against the opt-out option.
Richard J. Sperry, MD, Against the opt-out option.
George C. Pingree, MD, Against the opt-out option.
James H. Pingree, MD, Against the opt-out option.
Elizabeth F. Howell, MD, Against the opt-out option.
Lori G. Buhler, Public Member, Against the opt-out option.
James R. Fowler, MD, Against the opt-out option.
Daniel J. Parker, MD, Against the opt-out option.

The Board vote was unanimous against the opt-out.

Comments regarding the Board Members reasoning for their Recommendation

Dr. Ramsey initiated discussion and the MD and DO Boards all discussed that the Hearing Op-Out opposition presentations were in line with their concerns. The Boards stated that they agreed with the facts presented.

Dr. Ramsey restated some of the concerns mentioned as follows, opting out causes concern for:

1. The quality of care for patients;
2. Consistency with Federal Law;
3. Is not in the best interest of the Utah State's Citizens; and
4. Would not increase availability to care or improve the quality of care.

Dr. Peterson stated:

1. There is easy access availability to most rural situations presently and should increase in the future.

Ms. Buhler stated:

1. The Boards believe the timeliness of care is not currently compromised.

Dr. Ries stated:

1. If timeliness is an issue in service, then

Physicians need to be held accountable but
opting out is not the resolution.

Dr. Sperry stated:

1. It would be ideal to have an anesthesiologist in every setting. They are available and willing. Therefore, why are they not in the rural areas?

Dr. Ries stated:

1. It appears there is an overabundance of licensees available. Therefore, the opt-out option makes no sense as a resolution to address quality patient care.

All Board members concurred with the above statements and stated that they do not support the opt-out option and the presentations against op-out were valid.

ADJOURN:

The time is 12:45 pm and the Hearing and Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 8, 2008
Date Approved

(ss) Marc E. Babitz, MD
Chairperson, Utah Physicians Licensing Board

October 9, 2008
Date Approved

(ss) J. Howard Loomis, DO
Chairperson, Utah Osteopathic Physicians Licensing Board

September 24, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational & Professional Licensing